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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,087	05/31/2006	Kazuhiro Kusuda	5132-0103PUS1	2056

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EXAMINER	
LIM, SENG HENG	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
04/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/581,087	KUSUDA ET AL.	
	Examiner	Art Unit	
	SENG H. LIM	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) *1-22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/31/2006; 8/29/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Lack of Unity

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-5, drawn to multiplayer competition game device for competing to decrease the physical strength of an opponent character.

Group 2, claim(s) 6-9, drawn to a game machine for varying plurality of virtual reels and halting the virtual reels to display symbols.

Group 3, claim(s) 10-15, drawn to a game machine for varying plurality of virtual reels and halting the virtual reels to display symbols with dividend generation.

Group 4, claim(s) 16-22, drawn to a game machine wherein the start of is triggered by inputting a first numeric data representing a redeemable value.

Group 5, claim(s) 23-30, drawn to a game machine in communication with a server for performing a multiplayer competition game in which pluralities of players compete for characters.

The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group 1 does not require the special technical features of Groups 2-5.

Group 2 does not require the special technical features of Groups 1, 3-5.

Group 3 does not require the special technical features of Groups 1-2, 4-5.

Group 4 does not require the special technical features of Groups 1-3, 5.

Group 5 does not require the special technical features of Groups 1-4.

During a telephone conversation with Charles Gorenstein on 4/6/2010 a provisional election was made without traverse to prosecute the invention of Group 5, claims 23-30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 23. The examiner is not sure what applicant means by the term "remaining number of times available". To further prosecute the case, the examiner is interpreting it to mean a character's life/health.

Re claim 24. The examiner is not sure what applicant means by the term "remaining number of times available". To further prosecute the case, the examiner is interpreting it to mean a character's life/health. In the last paragraph of claim 24, the claim language reads "when, as a result of said competition, said another game machine or server device is defeated in the game, the data representing any one of the characters configuring said party of said another game machine or server device which

is defeated in said competition is added, together with a predetermined remaining number of times available." It is indefinite what and where the data is being added. To further prosecute the case, the examiner is interpreting the claim language to mean the defeated character is given to the winning player as mentioned in claim 23.

Re claim 30. The examiner is not sure what applicant means by the term "remaining number of times available". To further prosecute the case, the examiner is interpreting it to mean a character's life/health. In the last paragraph of claim 30, the claim language reads "a process for adding, if, as a result of said competition, said another game machine or server device is defeated in the game, the data representing any one of the characters configuring said party of said another game machine or server device which loses the competition, together with a predetermined remaining number of times available." It is indefinite what and where the data is being added. To further prosecute the case, the examiner is interpreting the claim language to mean the defeated character is given to the winning player as mentioned in claim 23.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 24 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajiri et al (US 6,482,092 B1), Tajiri hereinafter, in view of Gress (US 2005/0151320 A1).

Re claim 24. Tajiri discloses a game machine which performs a multiplayer competition game in which a plurality of players compete [with] each other for capturing characters (Fig. 5-7), comprising:

a communication interface for transmitting and receiving data to and from another game machine (col. 2, lines 24-25, 30 & 31: Fig. 2),

an operation unit (23: Fig. 2) with which a player performs input operation of signals; and

a display unit (27: Fig. 2) for displaying the situation of the game; a storage unit (10B) for storing data representing a plurality of types of characters, each provided with a different property, and their remaining numbers of times available such as life (col. 13, lines 51-54, Fig. 3);

an extraction unit (23: Fig. 2) for extracting, triggered by the player's selecting operation, data representing a predetermined number of characters and their remaining number of times available from the data representing said plurality of types of characters and their remaining number of times available (col. 13, lines 46-54);

a party formation unit (23: Fig. 2) for generating data representing a party consisting of each of said characters, by combining the data representing said extracted characters and their remaining number of times available (i.e. battle data, col. 13, lines 46-54); and

a game performing unit (23: Fig. 2) for performing a multiplayer competition game, using said data representing said formed party, and data representing the party input from said another game machine (i.e. battle between main player and rival trainer, col. 13, lines 41-45).

Tajiri also discloses the concept of capturing a defeated pokemon during a battle and adds it to his collection (col. 10, lines 1-9). Tajiri does not expressly disclose defeating another game machine in the competition and capturing the another game machine's character; however, the concept of capturing the defeated opponent's character of another game machine is known as evidenced by Gress [0078]. At the time of invention a person of ordinary skill in the art would have found it obvious to modify Tajiri in view of Gress to capture opponent's defeated character and would have been motivated to do so to increase the excitement of the game by increasing the incentive of winning a battle.

Re claim 30. Tajiri discloses a game program (col. 6, lines 11-29) for performing a multiplayer competition game as discussed in claim 24 above.

Claims 23, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajiri et al (US 6,482,092 B1), Tajiri hereinafter, in view of Gress (US 2005/0151320 A1) and Kawazu (US 2002/0137563 A1).

Re claim 23. Tajiri et al and Gress disclose a game machine comprising a plurality of client devices and communication interface for transmitting and receiving data to and from another game machine as discussed in claim 24 above, but does not disclose the gaming system is performed with connection to a server device. However, conducting multiplayer battling game over a server device is well known as evidenced by Kawazu (17: Fig. 1). At the time of invention a person of ordinary skill in the art would have found it obvious to modify Tajiri et al and Gress in view of Kawazu to conduct the multiplayer game over a server device and would have been motivated to do so to increase the player pool by conducting the game over the internet.

Re claim 25. Kawazu discloses the remaining number of times available of the character configuring said party is decreased by a certain number if it is defeated in said competition (i.e. the life point is decreased, [0064]), whereas the character and its remaining number of times available added to the side which won said competition is approximately equal to said decreased number of times available of the character as taught by Gress.

Re claim 26. Gress disclose the data representing any one of the characters configuring said party is deleted upon losing said competition, whereas the character and its remaining number of times available added to the side which won said competition are approximately equal to said deleted character (i.e. after capturing the opponent's character, the opponent's character is implicitly deleted from the opponent's data).

Re claim 27. The party formation unit newly generates, when performing the next game, data representing said party, using the data representing said character and its remaining number of times available (i.e. the captured character can be used by the winning player in following games).

Re claim 28. The extraction unit disables, at the next and subsequent games, extraction of at least one of the data representing the character and its remaining number of times available, which together compose the data representing the party used when performing said game (i.e. the opponent that losses it's character can no longer extract that character's data).

Re claim 29. Tajiri discloses the storage unit stores a plurality of types of tables including data representing a plurality of types of characters, each of which is provided with a different property, and data of a plurality of types of symbols which are determined in association with the data representing each of said characters and can be displayed on said display areas (Fig.3),

said party formation unit associates, for each of display areas, said data representing said characters (Fig. 20),

said display unit reads said table corresponding to the data representing said characters, and performs, on said display areas associated with the data representing said characters, a varying state presentation in which a plurality of symbols having been in their halted state on a plurality of display areas are constantly varied into a variety of symbols and displayed, and a halted state presentation in which said symbols being presented in the varying state are halted again and displayed on each of said display areas (Fig. 3 & 20).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached USPTO form PTO-892.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seng H. Lim whose telephone number is 571-270-3301. The examiner can normally be reached on 8:30-6:00, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Seng H Lim/

Examiner, Art Unit 3714

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714